

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

JIMMY DAVIS, #51030

PLAINTIFF

VERSUS

CIVIL ACTION NO. 3:23-cv-200-DPJ-FKB

E.M.C.F. HEAD WARDEN, et al.

DEFENDANTS

ORDER SETTING PAYMENT SCHEDULE

There came on for consideration Plaintiff's application [3] to proceed *in forma pauperis* (IFP) in this civil action.

Having carefully reviewed this matter, the Court finds that Plaintiff's IFP application includes statements of his assets, of his inability to prepay fees, of the nature of the action, and of his belief that he is entitled to redress. Pursuant to 28 U.S.C. § 1915, as amended, and notwithstanding Plaintiff's lack of assets, it is

ORDERED that Plaintiff's IFP application [3] is granted, except to the extent that Plaintiff is required to make payments set forth below. If judgment is rendered against Plaintiff, and the judgment includes the payments of costs under Section 1915, Plaintiff will be required to pay the full amount of the costs, notwithstanding that his IFP application has been granted.

IT IS FURTHER ORDERED that Plaintiff shall pay the full filing fee of \$350.00 by payments made to the Clerk of Court from Plaintiff's prison account. **Said payments will be forwarded to the Clerk, U.S. District Court, 501 E. Court St., Suite 2.500, Jackson, MS 39201**, with Plaintiff's name and civil action number 3:23-cv-200-DPJ-FKB written on the payment.

IT IS FURTHER ORDERED that Plaintiff's inmate trust fund account statement for the six-month period immediately preceding the submission of his complaint reflects average

monthly deposits of \$0.00, an average monthly account balance of \$0.00 and a current balance of \$0.00. *See* Pl's Mot. [3] at 3. Plaintiff is therefore required to pay an initial partial filing fee of \$0.00.

IT IS FURTHER ORDERED that Plaintiff is required to make monthly payments of 20 percent of the preceding month's income¹ credited to his prison account, until the total filing fee of \$350.00 is paid. The East Mississippi Correctional Facility or other prison at which Plaintiff may be incarcerated is required by law, when Plaintiff's prison account exceeds the sum of \$10.00, to **forward monthly payments with Plaintiff's name and civil action number 3:23-cv-200-DPJ-FKB written on the payment, to the Clerk, U.S. District Court, U.S. District Court, 501 E. Court St., Suite 2.500, Jackson, MS 39201**, with each payment being a sum which equals 20 percent of the preceding month's income credited to Plaintiff's prison account.

The Clerk is directed to mail copies of this Order to the **Plaintiff and to Premier Supply Link for MDOC Inmate Accounts, P.O. Box 97538, Pearl, Mississippi 39288.**

Failure to advise the Court of a change of address or failure to comply with any order of the Court will be deemed as a purposeful delay and contumacious act by the plaintiff and may result in the dismissal of this case.

THIS the 22nd day of August, 2023.

s/ F. Keith Ball
UNITED STATES MAGISTRATE JUDGE

¹Income shall mean "whatever sums enter a prison trust account, disregarding the source." *Lucien v. DeTella*, 141 F.3d 773, 776 (7th Cir. 1998).